FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

The Petitioners herein request a variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck), in a side yard with a 2 ft. setback, in lieu of the required 7-1/2 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Deputy Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore

The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original

> TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto. That the Affiant(s) does/do presently reside at 7000 ALDEN ROAD

BALTIMORE MD 21208

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardehip or practical difficulty)

CUR 78 YEAR CLD UNCLE IS TO LIVE WITH US. WE WOULD LIKE TO PROYIDE HIM AN EASY WHEEL CHAIR ACCESS TO AN OUT DOOR AREA FROM WHAT WILL BE HIS PRIVATE ROOM.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and

TONIN V. Thomas

Thoras and

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and helief.

Pursuant to the posting of the property and the provisions of both

County this 7^{4} day of Octobe, 1992 that the Petition for a Zoning Variance from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (deck), in a side yard with a 2 ft. setback, in lieu of the required 7-1/2 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

-2-

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrativ

MY 78 YEAR OLD UNCLE IS TO LIVE

WITH US. WE WOULD LIKE TO PROVIDE

HIM AN EASY WHEEL CHAIR ACCESS

93-73-A

OF ALDEN RD. AND PRISCILLA LA. BOTH 50 FT. RIGHT OF WAYS.

AS RECEDED IN PLAT BOOK 12 FOLIO 67. ALSO KNOWN AS

Velan R. Mhoma

BRING LOT # 255 IN THE SUBDIVISION OF COLONIAL VICLHOR

7000 ALDEN RD, IN THE 3RB. ELECTION DISTRICT.

BEGINNING AT A POINT AT THE NORTH WEST SIDE OF THE INTERSECTIONS

ZONING DESCRIPTION

TO AN OUTDOOR AREA FROM WHAT

WILL BE HIS PRIVATE ROOM

Variance at the above address: (indicate hardship or practical difficulty)

Zn Code

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

October 7, 1992

Mr. and Mrs. Edwin V. Thomas 7000 Alden Road Baltimore, Maryland 21208

> RE: Petition for Residential Zoning Variance Case No. 93-73-A

Dear Mr. and Mrs. Thomas:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

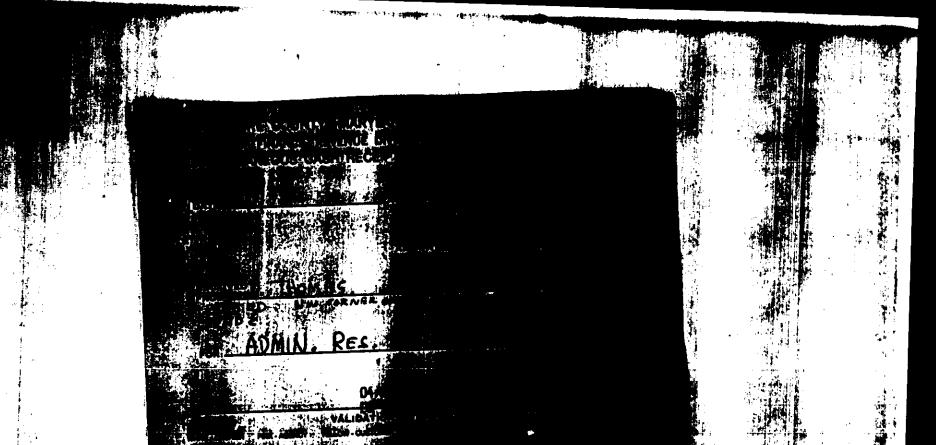
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Deputy Zoning Commissioner

COMING DEPARTMENT OF BALTIMORE COUNTY 93-73-

CERTIFICATE OF POSTING

	Touten, Maryland
Posted for: Vorience	Date of Posting 9/11/92
Potitioner: Four & Dela Location of property: NW/cox M	ones Thomas
7000 Alden Ra	
Location of Signer Forming / Home	Rd pan preparty of Petitioner.
Remarks:	
Posted by Mollealey	Date of return: 9/1 8/92



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7000 ALDEN RD which is presently send IR5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 13 0 2 3 0 1 1 AND 301 5 TO PERMIT AND OPEN PROJECTION (APROPOSED DECK) IN A SIDE JARD WITH A DET SET BATE IN LIEU OF THE REQUIRED 75 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or (SEE ATTACHED)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee		if We do solemnly declare and affirm under the penalties of perjuny that if we are to legal owner(s) of the property which is the subject of this Petition.
		Legal Owner(s)
(Type or Print Name)		Type of Print Name:
Signature		Sighan I Thomas
Address		Type or Print Name:
City Attorney for Petitioner	State Zipcode	Signature Signature
(Type or Print Name)		Address AlDIA AD THE Priore No.
Signature		City State Zipcode Name Address and phone number of legal owner contract purchaser or representation be contacted.
AC dress	Phone No	SAME
City	State Zipcode	Address Phone No.

Zoning Commissioner of Baltimore County

ITEM #:

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue

October 2, 1992

(410) 887-3353

Mr. & Mrs. Edwin V. Thomas 7000 Alden Road Baltimore, MD 21208

RE: Item No. 94, Case No. 93-73-A Petitioner: Edwin V. Thomas, et ux Petition for Administrative Variance

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
1st day of September, 1992

ARNOLD JABON

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Edwin V. Thomas, et ux
Petitioner's Attorney:

Printed on Recycled Paper

Development Review Committee Response Form Authorized signature			09/21/92 Date <u>9/21/97</u>	
File	Project Name Number 6	aiver Numb e r	Zoning Issue	Meeting Date
90476 ZON I	_	tapsco (Azreal Pro g for developer to		6-1-92 first)
COUNT	. 1			
/ DED D	Meadow Parks Li EPRM RP STP TE	mited Partnership	84	8/14/92
/===	Eugene Osborne,	sr. N/C	85	
	Barry L. And Wi	lma J. Alderson	••••••••••••••••••••••••••••••••••••••	
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	Stanley R. And EPRM RP STP TE	Kathy L. Schall	95 N/C	
		ee Gee Z. Pfeffer	96 W/C	
COUNT				
		omitted in error)	58 N/C	9/8/92
COUNT				
F I NAL COUNT	TOTALS 8			
* * *	END OF R	EPORT ***		

DPW/Developers Engineering Division (Public Services) Development Review Commit , see Response Form /		09/21/98	
Authorized signature A.K.	med	Date 9/21/9	
Project Name	ZJ		
ile Number Waiver Number	Zoning Issue	Meeting Date	
Stonegate at Patapsco (Azreal Pro	operty)		
0476 ON DED - TE (Waiting for developer to		6-1-92	
ON DED TE (Waiting for developer to	D submit plans firs	t) =========	
DUNT 1			
Meadow Parks Limited Partnership		8/14/92 Comm	
ED DEPRM RP STP TE	84	8/14/92	

/ Eugene Osborne, Sr.	85	110	
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Barry L. And Wilma J. Alderson	:B====================================	E#==========	
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Edwin J. and Delores R. Thomas			
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Stanley R. And Kathy L. Schall	95		
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Claude N. and Geo Geo 7. Proffer	=======================================	***********	
Claude N. and Gee Gee Z. Pfeffer	96	NC	
D DEPRM RP STP TE		,,,	
DUNT 6			
Terry A. and Joan K. Greenwood			
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DEPRM RP SIP IE (OMITTED IN EFFOF)	.======================================		
DUNT 1			
NO. TOTAL C			
NAL TOTALS DUNT 8			
* * END OF REPORT * * *			

SHA	Maryland Department of Transportation State Highway Administration
SHA	Maryland Department of Transportate State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Rem No.: * WORK # 23 (JUL)
ITEM NO 94

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Javid Normy 9/24/92

John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717 BALTINORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 15, 1992

FROM: Ervin Mc Daniel, Chief Office of Planning and Zoning Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
September 14, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Barry and Wilma Alderson, Item No. Work 22 493
Edwin and Delores Thomas, Item No. Work 23 494
Stanley and Kathy Schall, Item No. Work 24
Edward and Diana Hensler, Item No. 82

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Julances, Moreoup

Division Chief: Ermin McDanil

EMcD/FM/:rdn

93-73-A 10-5

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(410) 887-4500

OCTOBER 13, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: EDWIN J. THOMAS AND DELORES R. THOMAS
Location: #7000 ALDEN ROAD

Item No.:*WORK #23 (JLL) Zoning Agenda: SEPTEMBER 14, 1992

Gentlemen: #44

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Planning Group

Special Inspection Division

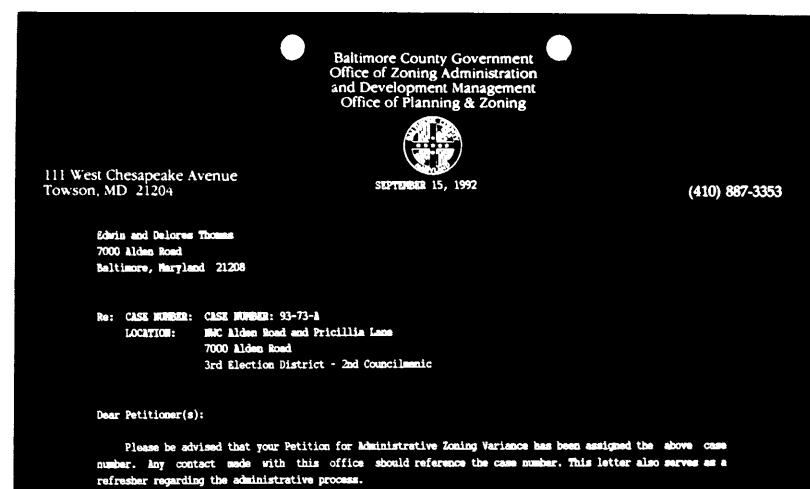
JP/KEK

Department of Environmental Protection & Resource Management 09/21/92

Development Review Committee Response Form

Authorized signature Date 9-2/-92 Project Name File Number Meeting Date COUNT 3 Meadow Parks Limited Partnership 8/14/92 DED DEPRM RP STP TE DED DEPRM RP STP TE Eugene Osborne, Sr. DED DEPRM RP STP TE DED DEPRM RP STP TE Barry L. And Wilma J. Alderson no comments DED DEPRM RP STP TE Edwin J. and Delores R. Thomas no comments Stanley R. And Kathy L. Schall DED DEPRM RP STP TE Claude N. and Gee Gee Z. Pfeffer 12 process DED DEPRM RP STP TE COUNT 6 Michael and Patricia Perholtz 8/31/92 DEPRM Cheryl Blevins 73 14 process COUNT 2 Terry A. and Joan K. Greenwood 9/8/92 DED DEPRM RP STP TE (omitted in error)

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ile Number	Waiver Number	Zoning Issue	Meeting Date
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1) Your property will be posted on or before September 20, 1992. The closing date is October 5, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public bearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore County

SEPT 1, 1992 DEAR MS. STEVENS, PLEASE INCLUDE THESE PROTOS (T) IN ADM. VARIANCE FILES 4./12 EDWIN Y. THOMAS DELORES R. TROMOS. 7000 ALDEN RS. BALTO. MD. 21208 THANK YOU. ZONING CFFICE

